IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 524 of 2006

Sudhanshu Mishra Pathak
S/o Shri Raghubir Prasad Mishra
R/o 14 Mohini Road, Dehradun
District Dehradun ... Applicant

Vs.

1. State of Uttaranchal
2. J.S. Bohra
   Advocate
   Chamber No. 15, C.J.M. Court Compound
   Dehradun, District Dehradun ... Respondents

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing the proceedings in Criminal Case No. 2626 of 2003 State Vs Sudhanshu Mishra Pathak under Sections 323, 506 I.P.C. pending in the court of Chief Judicial Magistrate, Dehradun.

2. Heard Sri H.S. Rawal, learned counsel for the applicant, learned A.G.A. and perused the record.

3. On the basis of the argument advanced by the learned counsel for the petitioner, I come to the conclusion that there is no abuse of process of court. The matter relates to the assessment of the evidence which may be done by the trial judge. Any decision by me would amount to premature decision where the evidence is incomplete and hazy.

4. I do not find any flagrant injustice being caused to the petitioner.

5. The petition lacks merit and is liable to be dismissed.

6. Accordingly, the petition is dismissed.

7. However, if the petitioner appears before the court concerned for seeking his bail, the disposal of the bail application of the petitioner shall be expedited.

(B.C. Kandpal, J.)

11.07.2006
ASWAL